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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,912	12/30/2004	Richard A MOWERY JR.		2926

7590 09/25/2006
Richard A Mowery Jr
911 Morning Sun Lane
McGregor, TX 76657

EXAMINER

NGUYEN, HUNG T

ART UNIT PAPER NUMBER

2612

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.		Applicant(s)	
	10/519,912		MOWERY, RICHARD A	
	Examiner		Art Unit	
	HUNG T. NGUYEN		2612	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a): In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/2004 & 9/6/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 8-10, 14 & 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Paull (U.S. 3,656,112).

Regarding claim 1, Paull discloses power line communication in the form of a system for handing off or exchanging information [figs.1-2, col.2, line 65 to col.3, line 40]

comprising:

- tethered device (300) connected to power transmission communication network having transceiver (301,306) and power transmission communication system (203) [figs.1-2, col.3, lines 3-22];
- untethered device / portable (100) having a transceiver (102,103) for transceiving radio signals to remote location (400) [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claim 6, Paull discloses power line communication in the form of a system for handing off or exchanging information by wireless network [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claim 8, Paull discloses the transceiver (301,306) connected to the power communication network operates inside a lighting apparatus (821,822) [figs.1-2;11, col.10, line 74 to col.11, line 15].

Regarding claims 9-10, Paull the untethered device / portable (100) having a transceiver (102,103) for transceiving radio signals to remote location (400) [figs.1-2, col.2, line 65 to col.3, line 40 and lines 62-75].

Regarding claim 14, Paull discloses the tethered device (300) connected to power transmission communication network having transceiver (301,306) and power transmission communication system (203) [figs.1-2, col.3, lines 3-22].

Regarding claims 23-25, Paull discloses power line communication in the form of a system for handing off or exchanging information [figs.1-2, col.2, line 65 to col.3, line 40] comprising:

- tethered device (300) connected to power transmission communication network having transceiver (301,306) and power transmission communication system (203) [figs.1-2, col.3, lines 3-22];
- the transceiver (301,306) connected to the power communication network operates inside a lighting apparatus (821,822) which connects to electrical outlet is inherently [figs.1-2,11, col.10, line 74 to col.11, line 15];
- untethered device / portable (100) having a transceiver (102,103) for transceiving radio signals to remote location (400) [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claim 26, Paull discloses power line communication in the form of a system for handing off or exchanging information by wireless network [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claims 27-28, Paull discloses the tethered device (300) connected to power transmission communication network having transceiver (301,306) to transmit signals to remote location as programmed [figs.1-2, col.3, lines 3-22].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 & 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paull (U.S. 3,656,112) in view of Ditzik (U.S. 5,983,073).

Regarding claim 7, Paull teaches a means for determining a location of the subscriber device (500) [col.1, lines 38-50];

- transmitting data signal to the device [col.1, lines 26-50];
- informing the device of location data [col.1, lines 26-50];
- determining a time of arrival [col.4, lines 60-73].

Paull does not specifically mention evaluating data with respect to the untethered device as claimed by applicant.

However, Ditzik discloses a wireless communication includes cell phone (14), notebook computer (51) may perform their duties in data communication as programmed [figs. 2-3, abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Arjomand in the system of Birchfield to perform their duties as evaluating data and transmitting data signals to remote locations as required.

Regarding claims 12-13, Ditzik discloses the wireless communication includes cell phone (14), notebook computer (51) may perform their duties in data communication as programmed [figs. 2-3, abstract].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

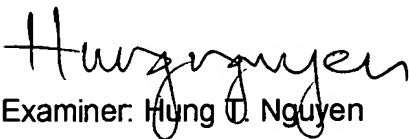
- Nilssen (6,073,003).
- Davis (U.S. 6,362,745).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Horabik, Michael can be reached on (571) 272-3068. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER


Examiner: Hung T. Nguyen

Date: Sept. 15, 2006